



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 9, 2004.

James L. ...

1/9/04

RECEIVED
JAN 16 2004
TECHNOLOGY CENTER R3700

#3
Election
S. Bryce
1/16/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/051,870
Applicant : Paul M. Stull
Filed : January 16, 2002
Title: METHOD FOR GASTRIC COOLING USING BALLOON CATHETER
Art Unit : 3763
Examiner : Thompson, Kathryn
Docket No.: : RADME-58551
Customer No. : 24201

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the Office action of December 17, 2003, the response for which is due January 17, 2004. The Office action required a restriction of the application to claims 1-51 (Invention I) or claims 52-63 (Invention II). The Office action also required an election of a species directed to Figure 1 (Species A), Figure 5 (Species B), or Figure 7 (Species C) for examination.

Applicant hereby elects, with transverse, Invention I which the Office action defined to include method claims 1-51. Applicant hereby also elects, with transverse, the

species of Species A which is drawn to Figure 1. Applicant respectfully submits that claims 1-51 are readable on Species A, and that at least independent claims 1, 18, and 36 are generic.

Applicant respectfully submits that Species A and C share common features such as the balloon (22) and heat exchange unit (30) which are illustrated in Figures 1 and 7, respectively. Applicant further submits that it would not be burdensome for the Office to examine all three species in a single application.

Applicant respectfully requests early examination and favorable consideration of the pending claims. If the Examiner has any comments or questions regarding any of the foregoing, kindly telephone the undersigned.

Respectfully submitted,

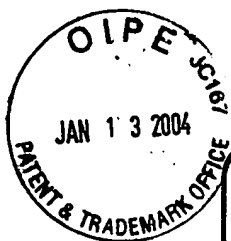
FULWIDER PATTON LEE & UTECHT, LLP

By: _____


James Luo

Registration No. 36,177

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201



3763

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/051,870	
	Filing Date	January 16, 2002	
	First Named Inventor	Paul M. Stull	
	Art Unit	3763	
	Examiner Name	Thompson, Kathryn	
Total Number of Pages in This Submission		Attorney Docket Number	RADME-58551

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Response to Election/Restriction Requirement and postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

RECEIVED
JAN 16 2004
TECHNOLOGY CENTER P6700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP James Juo, Registration No. 36,177
Signature	
Date	1/9/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the			
Typed or printed name	James Juo	Date	January 9, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.